

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:11-cv-02760-LB**

A.F. Rothschild Fund v. Department of Health and Human
Services et al
Assigned to: Magistrate Judge Laurel Beeler
Cause: 05:552 Right to Privacy Act

Date Filed: 06/07/2011
Date Terminated: 09/24/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

A.F. Rothschild Fund

represented by **Brent Plater**
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V.

Defendant

**Department of Health and Human
Services**

represented by **Ann Marie Reding**
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Defendant

Centers for Disease Control and Prevention

represented by **Ann Marie Reding**
 (See above for address)
LEAD ATTORNEY
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Date Filed	#	Docket Text
06/07/2011	<u>1</u>	COMPLAINT against Centers for Disease Control and Prevention, Department of Health and Human Services (Filing fee \$350, receipt number 34611060707). Filed by A.F. Rothschild Fund. (cjl, COURT STAFF) (Filed on 6/7/2011) (Additional attachment(s) added on 6/10/2011: # <u>1</u> Civil Cover Sheet) (cjl, COURT STAFF). (Entered: 06/10/2011)
06/07/2011	<u>2</u>	MOTION for leave to appear in Pro Hac Vice Re: Eric R. Glitzenstein (Filing fee \$275, receipt number 34611060720) filed by A.F. Rothschild Fund. (Attachments: # <u>1</u> Proposed Order)(cjl, COURT STAFF) (Filed on 6/7/2011) (Entered: 06/10/2011)
06/07/2011	<u>3</u>	MOTION for leave to appear in Pro Hac Vice Re: Howard M. Crystal (Filing fee \$275, receipt number 34611060720) filed by A.F. Rothschild Fund. (Attachments: # <u>1</u> Proposed Order)(cjl, COURT STAFF) (Filed on 6/7/2011) (Entered: 06/10/2011)
06/07/2011	<u>4</u>	Summons Issued as to Centers for Disease Control and Prevention, Department of Health and Human Services. (cjl, COURT STAFF) (Filed on 6/7/2011) (cjl, COURT STAFF). (Entered: 06/10/2011)
06/07/2011	<u>5</u>	ADR SCHEDULING ORDER: Case Management Statement due by 11/24/2011. Case Management Conference set for 12/1/2011 10:30 AM in Courtroom 4, 3rd Floor, Oakland. (Attachments: # <u>1</u> Standing Order)(cjl, COURT STAFF) (Filed on 6/7/2011) (Entered: 06/10/2011)
06/07/2011		CASE DESIGNATED for Electronic Filing. (cjl, COURT STAFF) (Filed on 6/7/2011) (Entered: 06/10/2011)
06/10/2011	<u>6</u>	Certificate of Interested Entities by A.F. Rothschild Fund (Plater, Brent) (Filed on 6/10/2011) (Entered: 06/10/2011)
06/10/2011	<u>7</u>	CERTIFICATE OF SERVICE by A.F. Rothschild Fund (Plater, Brent) (Filed on 6/10/2011) (Entered: 06/10/2011)
06/17/2011	<u>8</u>	CONSENT to Proceed Before a US Magistrate Judge by A.F. Rothschild Fund.. (Plater, Brent) (Filed on 6/17/2011) (Entered: 06/17/2011)
06/29/2011	<u>9</u>	Order by Magistrate Judge Laurel Beeler granting <u>3</u> Motion for Pro Hac Vice Re: Howard M. Crystal. (lble1, COURT STAFF) (Filed on 6/29/2011) Modified on 6/30/2011 (cjl, COURT STAFF). (Entered: 06/29/2011)
06/29/2011	<u>10</u>	Order by Magistrate Judge Laurel Beeler granting <u>2</u> Motion for Pro Hac Vice Re: Eric R. Glizenstein. (lble1, COURT STAFF) (Filed on 6/29/2011) Modified on 6/30/2011 (cjl, COURT STAFF). (Entered: 06/29/2011)
07/01/2011	<u>11</u>	STIPULATION <i>RE EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT</i> by Department of Health and Human Services. (Reding, Ann) (Filed on 7/1/2011) (Entered: 07/01/2011)
07/01/2011	<u>12</u>	CONSENT to Proceed Before a US Magistrate Judge by Department of Health and Human Services.. (Reding, Ann) (Filed on 7/1/2011) (Entered: 07/01/2011)
08/05/2011	<u>13</u>	DEFENDANTS' NOTICE OF MOTION, MOTION TO DISMISS PLAINTIFFS COMPLAINT, AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF filed by Centers for Disease Control and Prevention, Department of Health and Human Services. Motion Hearing set for 10/6/2011 11:00 AM in Courtroom 4, 3rd Floor, Oakland before Magistrate Judge Laurel Beeler. Responses due by 8/19/2011. Replies due by 8/26/2011. (Reding, Ann) (Filed on 8/5/2011) Modified on 8/8/2011 (cjl, COURT STAFF). Modified on 8/15/2011 (kc, COURT STAFF). (Entered: 08/05/2011)

08/05/2011	<u>14</u>	Declaration of Katherine S. Norris in Support of <u>13</u> DEFENDANTS' NOTICE OF MOTION, MOTION TO DISMISS PLAINTIFFS COMPLAINT, AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF filed byCenters for Disease Control and Prevention, Department of Health and Human Services. (Attachments: # <u>1</u> Exhibit 1 – 18)(Related document(s) <u>13</u>) (Reding, Ann) (Filed on 8/5/2011) Modified on 8/8/2011 (cjl, COURT STAFF). (Entered: 08/05/2011)
08/05/2011	<u>15</u>	Declaration of Carol Maloney in Support of <u>13</u> DEFENDANTS' NOTICE OF MOTION, MOTION TO DISMISS PLAINTIFFS COMPLAINT, AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF filed by Centers for Disease Control and Prevention, Department of Health and Human Services. (Attachments: # <u>1</u> Errata 1 – 10)(Related document(s) <u>13</u>) (Reding, Ann) (Filed on 8/5/2011) Modified on 8/8/2011 (cjl, COURT STAFF). (Entered: 08/05/2011)
08/05/2011	<u>16</u>	Declaration of Robert Eckert in Support of <u>13</u> DEFENDANTS' NOTICE OF MOTION, MOTION TO DISMISS PLAINTIFFS COMPLAINT, AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF filed by Centers for Disease Control and Prevention, Department of Health and Human Services. (Attachments: # <u>1</u> Exhibit 1 – 4)(Related document(s) <u>13</u>) (Reding, Ann) (Filed on 8/5/2011) Modified on 8/8/2011 (cjl, COURT STAFF). (Entered: 08/05/2011)
08/05/2011	<u>17</u>	Proposed Order re <u>13</u> DEFENDANTS' NOTICE OF MOTION, MOTION TO DISMISS PLAINTIFFS COMPLAINT, AND MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF by Centers for Disease Control and Prevention, Department of Health and Human Services. (Reding, Ann) (Filed on 8/5/2011) Modified on 8/8/2011 (cjl, COURT STAFF). (Entered: 08/05/2011)
08/12/2011	<u>18</u>	STIPULATION and Proposed Order for Extension of Time To Respond to <u>13</u> MOTION to Dismiss Complaint by A.F. Rothschild Fund. (Attachments: # <u>1</u> Declaration)(Crystal, Howard) (Filed on 8/12/2011) Modified on 8/15/2011 (kc, COURT STAFF). (Entered: 08/12/2011)
08/19/2011	<u>19</u>	ORDER DENYING EXTENSION. Signed by Judge Beeler on 8/19/2011. (lblcl, COURT STAFF) (Filed on 8/19/2011) (Entered: 08/19/2011)
09/06/2011	<u>20</u>	RESPONSE and [Proposed] Order (re <u>13</u> MOTION to Dismiss Complaint) filed byA.F. Rothschild Fund. (Attachments: # <u>1</u> Declaration of Frank Rothschild, # <u>2</u> Proposed Order)(Crystal, Howard) (Filed on 9/6/2011) Modified on 9/7/2011 (cjl, COURT STAFF). (Entered: 09/06/2011)
09/13/2011	<u>21</u>	REPLY (re <u>13</u> MOTION to Dismiss Complaint) filed byCenters for Disease Control and Prevention, Department of Health and Human Services. (Attachments: # <u>1</u> Declaration LASHONDA SCHOFIELD, # <u>2</u> Exhibit 1 – 5)(Reding, Ann) (Filed on 9/13/2011) (Entered: 09/13/2011)
09/26/2011	<u>22</u>	ORDER RE PLAINTIFFS OPTIONAL SUR–REPLY. Signed by Judge Beeler on 9/26/2011. (lblcl, COURT STAFF) (Filed on 9/26/2011) (Entered: 09/26/2011)
09/29/2011	<u>23</u>	NOTICE of Appearance by Ann Marie Reding (Reding, Ann) (Filed on 9/29/2011) (Entered: 09/29/2011)
09/29/2011	<u>24</u>	Sur–Reply (re <u>13</u> MOTION to Dismiss Complaint) filed by A.F. Rothschild Fund. (Attachments: # <u>1</u> Exhibit Plaintiff's Exhibit 30)(Crystal, Howard) (Filed on 9/29/2011) Modified on 9/30/2011 (cjl, COURT STAFF). (Entered: 09/29/2011)
10/06/2011	<u>25</u>	Minute Entry: Defendant's Motion to Dismiss Hearing held on 10/6/2011 before Magistrate Judge Laurel Beeler (Date Filed: 10/6/2011). (Court Reporter Raynee Mercado) (ls, COURT STAFF) (Date Filed: 10/6/2011) (Entered: 10/06/2011)
12/02/2011	<u>26</u>	Order by Magistrate Judge Laurel Beeler deferring ruling on <u>13</u> Motion to Dismiss.(lblcl, COURT STAFF) (Filed on 12/2/2011) (Entered: 12/02/2011)
12/15/2011	<u>27</u>	JOINT CASE MANAGEMENT STATEMENT filed by Centers for Disease Control and Prevention, Department of Health and Human Services, A.F. Rothschild Fund. (Attachments: # <u>1</u> Exhibit A)(Reding, Ann) (Filed on

		12/15/2011) Modified on 12/16/2011 (cjl, COURT STAFF). (Entered: 12/15/2011)
12/21/2011	<u>28</u>	NOTICE of Filing re <u>27</u> <i>Joint Case Management Statement</i> filed by A.F. Rothschild Fund (Attachments: # <u>1</u> Exhibit Attachment)(Glitzenstein, Eric) (Filed on 12/21/2011) Modified on 12/22/2011 (jlm, COURT STAFF). (Entered: 12/21/2011)
12/22/2011	<u>29</u>	Minute Entry: Initial Case Management Conference held on 12/22/2011 before Magistrate Judge Laurel Beeler (Date Filed: 12/22/2011). Case Management Statement due by 3/8/2012. Further Case Management Conference set for 3/15/2012 at 10:30 A.M. (Recording #FTR: 10:51–11:05) (ls, COURT STAFF) (Date Filed: 12/22/2011) (Entered: 12/22/2011)
01/06/2012	<u>30</u>	STIPULATION <i>and Proposed Order Re Completion of the Administrative Appeals Process</i> by Centers for Disease Control and Prevention, Department of Health and Human Services and A.F. Rothschild Fund. (Reding, Ann) (Filed on 1/6/2012) Modified on 1/9/2012 (cjl, COURT STAFF). (Entered: 01/06/2012)
01/11/2012	<u>31</u>	ORDER re <u>30</u> Stipulation, filed by Centers for Disease Control and Prevention, A.F. Rothschild Fund, Department of Health and Human Services. Signed by Judge Beeler on 1/11/2012. (lble1, COURT STAFF) (Filed on 1/11/2012) (Entered: 01/11/2012)
03/08/2012	<u>32</u>	UPDATED CASE MANAGEMENT CONFERENCE STATEMENT filed by Centers for Disease Control and Prevention, Department of Health and Human Services. (Attachments: # <u>1</u> Exhibit A)(Reding, Ann) (Filed on 3/8/2012) Modified on 3/9/2012 (cjl, COURT STAFF). (Entered: 03/08/2012)
03/12/2012	33	<p>CLERKS NOTICE</p> <p>Effective March 20, 2012, Magistrate Judge Laurel Beeler's courtroom and chambers will be located in the Phillip Burton Federal Building and United States Courthouse, Courtroom C, 15th Floor, 450 Golden Gate Avenue, San Francisco, California 94102.</p> <p>On or after March 20, 2012, all filings for matters pending on Judge Beeler's docket, all court appearances, and all deliveries of chambers copies of documents must be made at the San Francisco Courthouse.</p> <p>The days and times for law and motion calendars and all currently scheduled proceedings remain unchanged.</p> <p>Please note that all of Judge Beeler's case files will be moved to the San Francisco Courthouse, therefore all case numbers assigned to her will be changed slightly to reflect the correct venue. Previously, all case numbers started with 4 to indicate the Oakland office (Example: 4:12–cv–12345–LB). As of March 20, 2012, all of Judge Beeler's case files will begin with 3 to indicate the San Francisco office, but everything else will stay the same (Example: 3:12–cv–12345–LB). When e–filing, using the short case number format will always avoid problems when searching for the correct case: 12–12345 (YY–NNNNN).</p> <p>For information on the San Francisco Courthouses accessibility, parking, driving directions, public transit, hotels and other helpful links, please visit our website: http://www.cand.uscourts.gov, click on Court Information on the right hand side of our main page, then select the San Francisco link under Address and Jurisdiction. The main telephone number for the San Francisco Division is 415–522–2000. (kc, COURT STAFF) (Filed on 3/12/2012) (Entered: 03/12/2012)</p>
03/15/2012	<u>34</u>	Notice of Withdrawal of <u>13</u> Motion to Dismiss Without Prejudice. (Reding, Ann) (Filed on 3/15/2012) Modified on 3/16/2012 (cjl, COURT STAFF). (Entered: 03/15/2012)
03/15/2012	<u>35</u>	Minute Entry: Further Case Management Conference held on 3/15/2012 before Magistrate Judge Laurel Beeler. (Date Filed: 3/15/2012) (Recording #FTR: 11:22–11:31) (ls, COURT STAFF) (Date Filed: 3/15/2012) (Entered: 03/16/2012)

03/26/2012	<u>36</u>	ORDER SETTING BRIEFING SCHEDULE. Signed by Judge Beeler on 3/26/2012. (lblc1, COURT STAFF) (Filed on 3/26/2012) (Entered: 03/26/2012)
03/26/2012		Set/Reset Hearings: Plaintiff's Motion for Summary Judgment Hearing set for 9/20/2012 at 11:00 AM in Courtroom C, 15th Floor, San Francisco before Magistrate Judge Laurel Beeler. (ls, COURT STAFF) (Filed on 3/26/2012) (Entered: 03/27/2012)
04/02/2012	<u>37</u>	AMENDED COMPLAINT <i>For Declaratory and Injunctive Relief</i> against All Defendants. Filed by A.F. Rothschild Fund. (Glitzenstein, Eric) (Filed on 4/2/2012) (Entered: 04/02/2012)
04/16/2012	<u>38</u>	ANSWER to Amended Complaint by Centers for Disease Control and Prevention, Department of Health and Human Services. (Reding, Ann) (Filed on 4/16/2012) (Entered: 04/16/2012)
05/03/2012	<u>39</u>	STIPULATION WITH PROPOSED ORDER <i>Stipulation For Modification To Briefing Schedule And Proposed Order</i> filed by A.F. Rothschild Fund. (Attachments: # <u>1</u> Declaration)(Crystal, Howard) (Filed on 5/3/2012) (Entered: 05/03/2012)
05/09/2012	<u>40</u>	Order by Magistrate Judge Laurel Beeler granting <u>39</u> Stipulation.(lblc1, COURT STAFF) (Filed on 5/9/2012) (Entered: 05/09/2012)
05/30/2012	<u>41</u>	STIPULATION WITH PROPOSED ORDER <i>Stipulation for Further Extension of Briefing Schedule To Complete Settlement Agreement and Proposed Order</i> filed by A.F. Rothschild Fund. (Attachments: # <u>1</u> Declaration)(Crystal, Howard) (Filed on 5/30/2012) (Entered: 05/30/2012)
05/31/2012	<u>42</u>	STIPULATION AND ORDER FOR FURTHER EXTENSION OF BRIEFING SCHEDULE TO COMPLETE SETTLEMENT AGREEMENT by Magistrate Judge Laurel Beeler; granting <u>41</u> Stipulation. (ls, COURT STAFF) (Filed on 5/31/2012) (Entered: 05/31/2012)
06/07/2012	<u>43</u>	STIPULATION WITH PROPOSED ORDER <i>STIPULATED SETTLEMENT AGREEMENT AND PROPOSED ORDER</i> filed by Department of Health and Human Services. (Reding, Ann) (Filed on 6/7/2012) (Entered: 06/07/2012)
06/08/2012	<u>44</u>	STIPULATION AND ORDER SETTLEMENT AGREEMENT by Magistrate Judge Laurel Beeler granting <u>43</u> Stipulation. (ls, COURT STAFF) (Filed on 6/8/2012) (Entered: 06/11/2012)
09/21/2012	<u>45</u>	STIPULATION WITH PROPOSED ORDER <i>OF DISMISSAL</i> filed by Centers for Disease Control and Prevention, Department of Health and Human Services. (Reding, Ann) (Filed on 9/21/2012) (Entered: 09/21/2012)
09/24/2012	<u>46</u>	STIPULATION AND ORDER OF DISMISSAL by Magistrate Judge Laurel Beeler: granting <u>45</u> Stipulation. (ls, COURT STAFF) (Filed on 9/24/2012) (Entered: 09/24/2012)